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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 JENNIFER SANCHEZ,

8 Plaintiff,

9 v.

10 KEVIN K. McALLENAN, Acting
11 Secretary, United States Department of
12 Homeland Security, Immigration and
Customs Enforcement,¹

Defendant.

C17-1353 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) The parties' stipulated motion to extend certain dates and deadlines, docket
16 no. 69, is GRANTED in part and DENIED in part as follows:

17 (a) The deadline for plaintiff's pre-trial statement is EXTENDED from
18 August 7, 2019, to August 12, 2019;

19 (b) The deadline for defendant's pre-trial statement is EXTENDED
20 from August 17, 2019, to August 22, 2019; and

21 (c) The motion to continue the trial date is DENIED. Except as
22 extended by this Minute Order, all other dates and deadlines set forth in the
23 Minute Order entered April 8, 2019, docket no. 47, shall remain in full force and
effect.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Acting Secretary McAllenan is SUBSTITUTED for
former Secretary Kirstjen Nielsen.

1 (2) Defendant's motion to dismiss and for summary judgment, docket no. 55, is
2 GRANTED in part and DENIED in part as follows:

3 (a) Plaintiff's discrimination and retaliation claims based on discrete
4 adverse employment actions **other than termination** are DISMISSED;

5 (b) Plaintiff's claim under 42 U.S.C. § 1983 is DISMISSED;

6 (c) Plaintiff's sexual harassment and hostile work environment claim is
7 narrowed to not include allegations about intrusions of her work space, which the
8 evidence undisputedly indicates was not "because of sex"; and

9 (d) Except as granted in Paragraphs 2(a)-(c), defendant's motion is
10 DENIED. The claims remaining for trial are discriminatory and/or retaliatory
11 discharge and sexual harassment / hostile work environment. The Court will issue
12 a separate order explaining its reasoning.

13 (3) Plaintiff's motion for summary judgment, docket no. 60, is GRANTED in
14 part and DENIED in part as follows:

15 (a) Defendant's eighth affirmative defense (no basis for imputing
16 liability to defendant) is STRICKEN because defendant has made no showing that
17 the Acting Secretary of the United States Department of Homeland Security is not
18 the proper defendant pursuant to 42 U.S.C. § 2000e-16(c); and

19 (b) Plaintiff's motion is otherwise DENIED.

20 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of
21 record.

22 Dated this 7th day of August, 2019.

23 William M. McCool
Clerk

s/Karen Dews
Deputy Clerk